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3
4 Honorable Barbara J. Rothstein
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ATLANTIC SPECIALTY INSURANCE
11 COMPANY, a New York company; MARKEL
12 AMERICAN INSURANCE COMPANY, a
13 Virginia corporation,

14 Plaintiffs,

15 vs.

16 MATT GODDEN, an individual; HARLEY
17 FRANCO, an individual; HMS PARTNERS,
18 LLC, a Washington company,

19 Defendants.

20 No. 2:21-cv-01244-BJR

21 **STIPULATION AND ORDER OF
22 DISMISSAL OF ALL CLAIMS**

23 **STIPULATION**

24 The parties, by and through their respective counsel, hereby stipulate as follows:

25 1. That all claims and counterclaims in the current action may be dismissed with
26 prejudice and without fees or costs, and that the Order below dismissing those claims may be
27 entered.

28 2. The parties acknowledge that coverage issues may exist with respect to other
29 underlying suits involving Harley Franco, including but not limited to the 2019 action titled
30 *Franco v. Harley Marine Services, Inc. et al.*, Superior Court of Washington, King County (cause
31 no. 19-2-10851-7SEA), and nothing in this Stipulation and Order of Dismissal of All Claims for

32 STIPULATION AND ORDER OF DISMISSAL OF ALL CLAIMS – 1
33 Cause No.: 2:21-cv-01244-BJR

34 3346943 / 734.0001

35 FORSBERG & UMLAUF, P.S.
36 ATTORNEYS AT LAW
37 901 FIFTH AVENUE • SUITE 1400
38 SEATTLE, WASHINGTON 98164
39 (206) 689-8500 • (206) 689-8501 FAX

1 the current action is intended to preclude on the basis of *res judicata*, claim splitting or claim
2 preclusion any party from bringing an action in any court to resolve the coverage issues for any
3 other underlying suit.

4 //

5 DATED this 30th day of November 2022.

6 FORSBERG & UMLAUF, P.S.



7
8 Ryan J. Hesselgesser, WSBA #40720
9 Sally A. Clements, WSBA #54502
10 Attorneys for Plaintiff Atlantic Specialty
Insurance Company

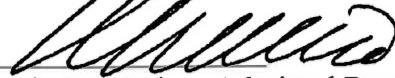
11 DATED this 30th day of November 2022.

12 KAUFMAN BORGEEST & RYAN LLP

13 s/Michael F. Perlis email approval attached
14 Michael F. Perlis, Admitted Pro Hac Vice
15 Attorneys for Markel American Insurance

16 DATED this 30th day of November 2022.

17 MARINO, TORTORELLA & BOYLE, P.C.

18 
19 Kevin H. Marino, Admitted Pro Hac Vice
20 John D. Tortorella, Admitted Pro Hac Vice
21 John A. Boyle, Admitted Pro Hac Vice
22 Attorneys for Defendant Matt Godden

DATED this 30th day of November 2022.

WILSON SMITH COCHERN
DICKERSON

s/Lisa C. Neal email approval attached

Lisa C. Neal, WSBA #25686
John M. Silk, WSBA #15035
Attorneys for Plaintiff Markel American
Insurance Company

DATED this 30th day of November 2022.

PERKINS COIE LLP


Joseph E. Bringman
Ronald L. Berenstain, WSBA #7573
Sean C. Knowles, WSBA #39893
Joseph E. Bringman, WSBA #15236
Attorneys for Defendant Matt Godden

ORDER

THIS MATTER having come on before the above-entitled court on the above stipulation of the parties through their counsel of record, now, therefore, it is hereby ORDERED that all claims and counterclaims herein be dismissed with prejudice and without costs or attorney's fees to any party.

DONE this _____ day of _____, 2022.

The Honorable Barbara J. Rothstein
United States District Judge

Presented by:

FORSBERG & UMLAUF, P.S.

Selma Ong

12 Ryan J. Hesselgesser, WSBA #40720
13 Sally A. Clements, WSBA #54502
13 Attorneys for Plaintiff Atlantic Specialty
Insurance Company

15 WILSON SMITH COCHERN
DICKERSON

s/Lisa C. Neal email approval attached

17 Lisa C. Neal, WSBA #25686
18 John M. Silk, WSBA #15035
Attorneys for Plaintiff Markel American
Insurance Company

20 | KAUFMAN BORGEEST & RYAN LLP

21 s/*Michael F. Perlis email approval attached*
22 Michael F. Perlis, Admitted Pro Hac Vice
Attorneys for Plaintiff Markel American
Insurance Company

1 PERKINS COIE LLP

2 

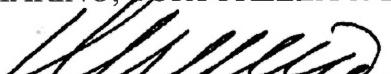
3 Ronald L. Berenstain, WSBA #7573

4 Sean C. Knowles, WSBA #39893

5 Joseph E. Bringman, WSBA #15236

6 Attorneys for Defendant Matt Godden

7 MARINO, TORTORELLA & BOYLE, P.C.

8 

9 Kevin H. Marino, Admitted Pro Hac Vice

10 John D. Tortorella, Admitted Pro Hac Vice

11 John A. Boyle, Admitted Pro Hac Vice

12 Attorneys for Defendant Matt Godden

13 STIPULATION AND ORDER OF DISMISSAL OF ALL CLAIMS - 4
14 Cause No.: 2:21-cv-01244-BJR

15 3346943 / 734.0001

16 FORSBERG & UMLAUF, P.S.

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Marissa C. Califano

From: Neal, Lisa C <L.Neal@wscd.com>
Sent: Wednesday, November 30, 2022 11:51 AM
To: Marissa C. Califano
Cc: Ryan J. Hesselgesser; Sally A. Clements; Neal, Lisa C
Subject: RE: Atlantic Specialty Insurance v. Godden et al. - ER 408 Settlement Communication

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you – you may sign for Mike Perlis and for Lisa Neal. Lisa

From: Marissa C. Califano <MCalfano@foum.law>
Sent: Wednesday, November 30, 2022 10:23 AM
To: Neal, Lisa C <L.Neal@wscd.com>
Cc: Ryan J. Hesselgesser <rhesselgesser@foum.law>; Sally A. Clements <sclements@foum.law>
Subject: RE: Atlantic Specialty Insurance v. Godden et al. - ER 408 Settlement Communication

Good morning,

Attached is the final version of the stipulation and order of dismissal for your review.

Thank you,

Marissa C. Califano

Legal Assistant

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FAX 206-689-8501
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